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PATENT
Attorney Docket No.: 026595-006400US

TOWNSEND and TOWNSEND and CREW LLP

By: /Janet L. Newmaker/
Janet L. Newmaker

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re application of:

Robert Degen et al.

Application No.: 10/091,000

Filed: March 4, 2002

For: Money Transfer Evaluation
Systems And Methods

Customer No.: 20350

Confirmation No.: 6763

Examiner: Cristina O. Sherr

Art Unit: 3621

APPELLANTS' REPLY BRIEF
UNDER 37 C.F.R. § 41.41

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This Reply Brief is submitted in response to the Examiner's Answer mailed July 26, 2007. The following remarks are intended to further focus the issues in this appeal.

The independent claims include two general categories of steps. One category is the creation of a reference designator based on the association of two separate sender identifications. For example, if a first sender of a first money transfer request is highly related to a second sender of a second money transfer request, then the two senders are assigned a common reference designator. The second category of steps searches only money transfer requests with the same reference designators for suspicious activity. Accordingly, the test identifying suspicious money transfer requests is run on only a portion of all money transfer requests, thus, greatly reducing processing time.

Stewart, on the other hand, describes a wide variety of fraud tests. These tests, however, are performed on each and every transaction. Nowhere in Stewart is there a teaching or a suggestion of first creating reference designators for related identification and then running suspicious activity tests on those transactions. Indeed, in Stewart, a fraud check must be done on every transaction because the customer is creating a financial account electronically and a check needs to be performed to see if the funds to be loaded into the account are good funds. See paragraphs 0006-0007. Simply put, Stewart does not include the general two category suspicious activity test taught in the claims.

Moreover, the Examiner has maintained that the suspicious money transfers in the independent claims are the same as the fraud identification in Stewart. The independent claims include a description of seven types of suspicious activities (labeled “a” - “g” in the claims) that are not taught or suggested by Stewart. Each of these seven types of suspicious activity include at least two parties: at least one sender and at least one receiver. Stewart only looks at the fraud attributes of a single potential consumer. Because Stewart identifies fraud risk levels of a potential customer only, the fraud identification does not and cannot take into account activity between two parties. The suspicious money transfer request required by the independent claims is different from the fraud identification discussed in Stewart. Moreover, Stewart does not qualify what is considered fraudulent and what is not. Instead, Stewart identifies unnamed fraud risks that may be performed by a third-party authorization system. Thus, Stewart does not teach or suggest the type of suspicious money transfer requests required by the claims.

Finally, the Examiner points to a description of using lists maintained by the United States Office of Foreign Assets Control (OFAC) to identify restricted potential customers as identifying suspicious money transfer requests. However, lists maintained by OFAC do not identify individuals based on suspicious money transfer requests. Instead, these OFAC lists identify “targeted foreign countries, terrorists, international narcotics traffickers, and those engaged in activities related to the proliferation of weapons of mass destruction” to whom trade sanctions are enforced. See the official OFAC webpage at the U.S. Department of Treasury: <http://www.treasury.gov/offices/enforcement/ofac/mission.shtml>. These lists identify individuals or entities and not money transfer requests. The lists have nothing to do with a money transfer request between at least a sender and at least a receiver. There is no correlation between the suspicious money transfer requests identified in the claims and the entities listed by OFAC.

Accordingly, Stewart does not teach or suggest each and every element of the independent claims. As such, the dependent claims are likewise distinguishable from the independent claims.

Respectfully submitted,

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/Jason A. Sanders/
Jason A. Sanders
Reg. No. 59,984

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834
Tel: 303-571-4000
Fax: 415-576-0300
JAS/jln
61157532 v1